



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200300615

Date: August 15, 2005

Comments Due: September 14, 2005

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the 65th & Broadway Detention Basin Project, which would result in permanent impacts to approximately 0.90 acre of vernal pools adjacent to the American River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States (U.S.).

**APPLICANT:** City of Sacramento, Department of Utilities, 1395 35th Street, Sacramento, California 95818, 916-808-1499

**LOCATION:** The project site is located near 65th and Broadway in the City of Sacramento in Section 8, Township 8 North, Range 5 East, Sacramento County, California, and can be seen on the Sacramento USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The City of Sacramento Department of Utilities is proposing to construct a 17-foot deep, 5.44-acre detention basin on a presently vacant 6.95-acre site as part of the Master Drainage Plan Update. Based on the information provided, we have determined the overall purpose of the project is to provide improved flood protection in the surrounding area. The basin would have a capacity of 22.3-acre-feet to contain the 100-year storm event. The inlet/outlet flow control structure will gravity drain via an existing 66-inch pipe to the interceptor pipe at 65th Street. Approximately 82,000-cubic yards of soil will be excavated for the construction of the basin and be placed at three (3) off-site upland locations.

The construction of the detention basin would cause the permanent loss of all waters of the U.S. on the site. All vernal pools delineated have been identified as potential habitat for the Federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and Federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*).

## ADDITIONAL INFORMATION:

**Environmental Setting.** The footprint for the proposed 5.44-acre detention basin is located on a vacant 6.95-acre site. The site is currently used as a horse pasture and is periodically disced. No trees are present on the site. There is either residential or commercial development surrounding the site on all four sides. There are eight (8) vernal pool wetlands (totaling 0.90 acres) within the project area. The site is dominated by California annual grassland and northern hardpan vernal pool vegetation communities.

**Alternatives.** The applicant has provided information concerning project alternatives. Two project alternatives were considered. A no project alternative would involve not constructing the detention basin and making no improvements to the current drainage problem. The other alternative considered was constructing the basin at the Tahoe-Talac park site, located north of the proposed project site along the Southern Pacific Railroad, east of Redding Avenue and north of San Joaquin Street. This site is a developed community park containing three softball fields, a concession stand, and a small detention basin. There are no aquatic resources at this site. However, construction at this site would require the installation and trenching of 2,250 feet of pipe and the creation of a pumping station. Additional information concerning project alternatives may be available from the applicant or their agent (Jones & Stokes). Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. Since no on-site mitigation can be performed, the applicant has proposed to mitigate for loss of vernal pool habitat by purchasing vernal pool preservation credits and creation credits. The Corps will evaluate the mitigation proposal to determine if it meets Corps wetland creation requirements. Suggestions from other agencies will also be considered in their determination.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification from the Central Valley Regional Water Quality Control Board, as required under Section 401 of the Clean Water Act, is required for this project.

A U.S. Fish and Wildlife Service Biological Opinion will be required for the project under Section 7 of the Federal Endangered Species Act.

**HISTORIC PROPERTIES:** A cultural resources report has been requested by the Corps. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The proposed project may affect Federally-listed endangered or threatened species. The Corps will initiate consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act for impacts to Federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and endangered vernal pool tadpole shrimp (*Lepidurus packardii*).

**ESSENTIAL FISH HABITAT:** The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200300615, must be submitted to the office listed below on or before September 14, 2005:

Mr. David Leput, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [david.w.leput@usace.army.mil](mailto:david.w.leput@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Mr. David Leput, 916-557-5327, [david.w.leput@usace.army.mil](mailto:david.w.leput@usace.army.mil).

Attachments: drawings